

# **EXHIBIT 10**

**From:** owner-wh\_upenn\_568\_group\_matters@list.wilmerhale.com <owner-wh\_upenn\_568\_group\_matters@list.wilmerhale.com> on behalf of Richard Cipolla <0000000afbb6888a-dmarc-request@LIST.WILMERHALE.COM>

**Sent:** Thursday, November 9, 2023 6:04:30 PM

**To:** Christopher Yook <CYook@KSLAW.com>; dsuggs@whitecase.com <dsuggs@whitecase.com>; Carbone Defendants Service List <Carbone\_Defs\_Service@listserv.whitecase.com>

**Cc:** 568 Litigation <568\_Litigation@fnf.law>; 568\_litigation@gilbertlitigators.com <568\_litigation@gilbertlitigators.com>

**Subject:** RE: Henry, et al. v. Brown Univ., et al., (N.D. Ill. 22-cv-00125) - Service of Discovery Responses

**EXTERNAL SENDER**

Chris,

We follow up from our meet and confers earlier this week regarding Plaintiffs' responses to the discovery requests served on September 30 as well as your correspondence below. Below we provide a concrete proposal on the timing and substance of what and when we will supplement our answers to the contention interrogatories.

For the following group of contention interrogatories, Plaintiffs agree to supplement them with significant citations to deposition transcripts, documents, and any other relevant material:

- 7, 9, 10, 15, 17, 18, 19, 36, 37.

While Plaintiffs maintain they are not obligated to respond to these contention interrogatories until the end of fact discovery, in the interest of comity and consistent with what we understood to be your rough proposal at the outset of the meet and confer, Plaintiffs will agree to supplement our answers on these interrogatories four weeks before the end of fact discovery.

Next, for the following contention interrogatories, we believe that they sufficiently implicate issues of expert analysis that Plaintiffs are not obligated to respond to them in further detail until expert discovery. Again, however, in the interest of comity, and in the expectation of reciprocity regarding similar types of objections from Defendants, we will provide supplements to these answers with significant citations to deposition transcripts and documents four weeks before the end of fact discovery, with the understanding and expectation that we currently expect expert discovery to further inform the relevant facts and analysis needed to answer these interrogatories in full:

- 8, 12, 21-35, 39, 40, 41, 42, 43.

For the remaining interrogatories (5, 6, 11, 13, 14, 16, 20, 38, 44), we will stand on our objection that they call for premature expert discovery and will not agree to supplement them before expert reports are due. We understand Defendants' position that Plaintiffs must still state the facts that will inform the expert analysis, but as we explained during the meet and confer, even the choice of identifying the relevant facts for these interrogatories turns on ongoing expert work.

Finally, in the interest of time and getting you our "at bottom" answers as requested, to be clear this response is not meant to be a point-by-point response to your letter sent yesterday, which we will follow up on in due course as appropriate.

Thank you.

Best,

**Richard Cipolla**

Associate

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**From:** Christopher Yook <[CYook@KSLAW.com](mailto:CYook@KSLAW.com)>

**Sent:** Wednesday, November 8, 2023 12:03 PM

**To:** Richard Cipolla <[rcipolla@fnf.law](mailto:rcipolla@fnf.law)>; D Suggs <[dsuggs@whitecase.com](mailto:dsuggs@whitecase.com)>; Carbone Defendants Service List <[Carbone\\_Defs\\_Service@listserv.whitecase.com](mailto:Carbone_Defs_Service@listserv.whitecase.com)>

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**Subject:** RE: Henry, et al. v. Brown Univ., et al., (N.D. Ill. 22-cv-00125) - Service of Discovery Responses

**[EXTERNAL SENDER]**

Counsel, see attached correspondence following our meet-and-confers regarding plaintiffs' discovery responses.

Thanks,  
Chris

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**From:** Christopher Yook

**Sent:** Friday, November 3, 2023 3:00 PM

**To:** Richard Cipolla <[rcipolla@fnf.law](mailto:rcipolla@fnf.law)>; D Suggs <[dsuggs@whitecase.com](mailto:dsuggs@whitecase.com)>; Carbone Defendants Service List <[Carbone\\_Defs\\_Service@listserv.whitecase.com](mailto:Carbone_Defs_Service@listserv.whitecase.com)>

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**Subject:** RE: Henry, et al. v. Brown Univ., et al., (N.D. Ill. 22-cv-00125) - Service of Discovery Responses

Richard, we're available for the meet-and-confer on Monday at 12 ET. I'll send a dial-in.

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**From:** Richard Cipolla <[rcipolla@fnf.law](mailto:rcipolla@fnf.law)>

**Sent:** Thursday, November 2, 2023 1:46 PM

**To:** D Suggs <[dsuggs@whitecase.com](mailto:dsuggs@whitecase.com)>; Carbone Defendants Service List <[Carbone\\_Defs\\_Service@listserv.whitecase.com](mailto:Carbone_Defs_Service@listserv.whitecase.com)>

**Cc:** 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com)

**Subject:** RE: Henry, et al. v. Brown Univ., et al., (N.D. Ill. 22-cv-00125) - Service of Discovery Responses

**CAUTION: MAIL FROM OUTSIDE THE FIRM**

Hi David,

Certainly. Are you free on Monday around 11 or 12?

Best,

**Richard Cipolla**

Associate

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**From:** Suggs, David <[dsuggs@whitecase.com](mailto:dsuggs@whitecase.com)>

**Sent:** Wednesday, November 1, 2023 7:28 PM

**To:** Richard Cipolla <[rcipolla@fnf.law](mailto:rcipolla@fnf.law)>; Carbone Defendants Service List <[Carbone\\_Defs\\_Service@listserv.whitecase.com](mailto:Carbone_Defs_Service@listserv.whitecase.com)>

**Cc:** 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com)

**Subject:** RE: Henry, et al. v. Brown Univ., et al., (N.D. Ill. 22-cv-00125) - Service of Discovery Responses

**[EXTERNAL SENDER]**

Richard,

Are Plaintiffs available to confer about their discovery responses this coming Friday or Monday?

**David Suggs** | Partner

**T** +1 212 819 2686 **M** +1 704 236 7007 **E** [dsuggs@whitecase.com](mailto:dsuggs@whitecase.com)

White & Case LLP | 1221 Avenue of the Americas | New York, NY 10020-1095

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**From:** Richard Cipolla <[rcipolla@fnf.law](mailto:rcipolla@fnf.law)>

**Sent:** Monday, October 30, 2023 11:47 PM

**To:** Carbone Defendants Service List <[Carbone\\_Defs\\_Service@listserv.whitecase.com](mailto:Carbone_Defs_Service@listserv.whitecase.com)>

**Cc:** 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com)

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Counsel:

Please see Plaintiffs' responses to Defendants' Second set of Interrogatories and First set of Requests for Admissions. Verifications to follow on the interrogatories.

Best,

**Richard Cipolla**

Associate

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